

HOUSE BILL 684

By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 50, relative to employment of illegal
aliens.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is
amended by inserting the following as a new, appropriately designated section thereto:

(a) As used in this section, unless the context otherwise requires:

(1) "Employer" means an entity which employs more than twenty-five
(25) individuals at a workplace in Tennessee.

(2) "Illegal alien" means a person who is not entitled to lawful residence
in the United States pursuant to the federal Immigration and Naturalization Act.

(3) "Lawful resident alien" means a person who is entitled to lawful
residence in the United States pursuant to the federal Immigration and
Naturalization Act.

(4) "Lawful resident verification information" means the documentation
that is required by the United States department of homeland security when
completing the employment eligibility verification form commonly referred to as
the federal "Form I-9". For the purpose of this section, that documentation must
be maintained in the employee's personnel file for the entire period of
employment and for no less than two (2) years thereafter. Documentation that
later proves to be falsified, but that at the time of employment satisfies the
requirements of the "Form I-9", is lawful resident verification information.

(b) It is an offense for an employer to knowingly employ an illegal alien.

(c) It is an offense for an employer to recklessly employ an illegal alien.

(d) It is an offense for an employer to knowingly encourage or induce an illegal alien to come into this state for the purpose of employing such illegal alien.

(e) Except as provided in subsection (f), an employer has not violated subsection (b), but has violated subsection (c), with respect to a particular employee if the employer:

(1) Requested from the employee, received, and documented in the employee record, prior to the commencement of employment, lawful resident verification information; and

(2) The lawful resident verification information provided by the person later proved to be falsified.

(f) An employer has not violated subsections (b) or (c) with respect to a particular employee if the employer verified the immigrant status of the person prior to employment by using the federal electronic work authorization verification service provided by the United States department of homeland security pursuant to the federal Basic Pilot Program Extension and Expansion Act of 2003.

(g) A violation of subsection (b) is a Class A misdemeanor punishable only by a fine as follows:

(1) For a first offense, not less than two hundred fifty dollars (\$250) nor more than two thousand dollars (\$2,000) for each illegal alien with respect to whom a violation of subsection (b) occurred;

(2) For a second offense, not less than two thousand dollars (\$2,000) nor more than five thousand dollars (\$5,000) for each illegal alien with respect to whom a violation of subsection (b) occurred; and

(3) For a third or subsequent offense, not less than three thousand dollars (\$3,000) nor more than ten thousand dollars (\$10,000) for each illegal alien with respect to whom a violation of subsection (b) occurred.

(h) A violation of subsection (c) is a Class B misdemeanor punishable only by a fine as follows:

(1) For a first offense, not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) for each illegal alien with respect to whom a violation of subsection (c) occurred;

(2) For a second offense, not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for each illegal alien with respect to whom a violation of subsection (c) occurred; and

(3) For a third or subsequent offense, not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500) for each illegal alien with respect to whom a violation of subsection (c) occurred.

(i) A violation of subsection (d) is a Class E felony punishable only by a fine as follows:

(1) For a first offense, not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000) for each illegal alien with respect to whom a violation of subsection (d) occurred;

(2) For a second offense, not less than ten thousand dollars (\$10,000) nor more than twenty-five thousand dollars (\$25,000) for each illegal alien with respect to whom a violation of subsection (d) occurred; and

(3) For a third or subsequent offense, not less than twenty-five thousand dollars (\$25,000) nor more than fifty thousand dollars (\$50,000) for each illegal alien with respect to whom a violation of subsection (d) occurred.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.